

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.MC.No. 1897 of 2007()

LP.27/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL
CRIME NO.7/2001 OF EXCISE RANGE, VAMANAPURAM
.....

PETITIONER: 4TH ACCUSED

A.R.JALALUDEEN.S/O.ABDUL RAHMAN,
JABIN NIVAS,MUKKAMPALAMODU,
VEMBAYAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

RESPONDENTS: COMPLAINANT

EXCISE INSPECTOR,EXCISE RANGE OFFICE,
VAMANAPURAM, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1897 of 2007

Dated this the 12th day of June 2007

O R D E R

The petitioner faces allegations under the provisions of the Kerala Abkari Act. He was not available for arrest and was not arrested. Apprehending arrest, he came before this court and another Bench of this court, as per order dated 09/08/2006 (a copy of which order is produced as Annexure I) directed the petitioner to appear before the learned Magistrate on 16/8/2006 at 11 a.m. Further directions were issued to the learned Magistrate regarding disposal of the bail application. The petitioner did not appear before the learned Magistrate, as directed. He now submits that he is willing to surrender before the learned Magistrate. His absence earlier was not willful and was on account of reasons beyond his control. In these circumstances, an order may be passed extending time and issuing identical directions, as in Annexure 1, to the learned Magistrate.

2. The petitioner did not avail of the opportunity which was given to him by this court in Annexure 1 order. That, of course, does not mean that the petitioner cannot now approach the learned Magistrate afresh. I need only mention that it is for the petitioner to surrender before the learned Magistrate and apply for bail. The learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

3. With the above observations, this Criminal Miscellaneous Case is dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007